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| 09/896,263 | 06/29/2001 | Terri Hollar | 65877-0008 | 8037 |

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| EXAMINER |
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JASMIN, LYNDIA C

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,263

Applicant(s)

HOLLAR ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-34 and 44 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 35-43 is/are rejected.
- 7) ☐ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application-by-application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In claims 11, 12, 39 and 40 the recitation "an unattached asset unassociated with any of said lease" is not described in the specification

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 35-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35, the recitation "the grouping of values" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10, 17 and 35-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Arditti et al. (WO 0131482 A2).

Arditti et al. discloses a lease transaction management and accounting system (10) including: an asset processing subsystem (via data package 70) including an asset (financial asset or physical piece of equipment page 4, line 10) and at least one asset attribute (user definable financial asset grouping mechanism) partially defining the asset. The asset processing subsystem selectively creates, modifies, or deletes the asset or the asset attribute (page 4, lines 11-13).

A lease processing subsystem (via event processor package 50) includes a lease (page 3, line 21) and at least one lease attribute (such as creation of journal entry) partially defining the lease. The lease processing subsystem selectively creates, modifies, or deletes said lease or said lease attribute (page 3, lines 26-28). A plurality of assets (physical piece of equipment, a loan or an unapplied cash amount) is associated with the lease. The lease processing subsystem (50) invoking the asset

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processing subsystem (70) to enact identical and substantially simultaneous changes to the asset attribute for the plurality of assets (as illustrated in Appendixes A and B).

The identical and substantial changes to the asset attribute are enacted for more than one asset but less than the plurality of assets (via asset group class; see A4).

An operational rule enacted for the lease (via maintenance package 80), wherein the asset attribute selectively overrides the operational rule (grouping of assets will have an easily recognizable value in the operational system). Each of the assets shares a common asset attribute (via book set), and includes a grouping (aggregation) of values (such as monetary) associated with the common asset attribute for a representation of the lease (see illustration in Appendix B). The common asset attribute includes book depreciation, tax depreciation, total revenue, a total cost, and an internal rate of return (via trial balance information page 107). Arditti et al. further discloses an asset object (such as equipment), which represents the asset and the asset attribute, and associated with the lease. Arditti further discloses a plurality of database tables, wherein the asset/lease and the asset/lease attribute are stored as illustrated in Appendix C. Arditti et al. further discloses a billing schedule subsystem (sub-ledger transaction process 90) having a billing schedule (based on calendar package 40) at least one billing schedule attribute (based on the calendar component) partially defining the billing schedule, a plurality of the assets associated with the billing schedule, and invoking the asset processing subsystem to enact identical and substantially simultaneous changes to the asset attribute for the plurality of assets 9as illustrated on pages 136-137).

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7. Claims 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Hitchings et al. (2002/0143673 A1).

Hitchings et al. discloses a lease transaction management and accounting system having an asset processing subsystem (via LKE manager 100) including a plurality of assets (leased vehicles) and at least one asset attribute (vehicle exchange and funding amounts) partially defining the plurality of assets (leased vehicles), a parent asset (via relinquished leased vehicles and acquired leased vehicles) including various components (for example various periods of time related to matching vehicles, minimum and maximum comparison tolerances on the values of relinquished and acquired vehicles and asset types of interest and overrides of parameters) and a child asset (purchase of leased vehicles), wherein at least one component is split from the various components of the parent asset (various periods of time related to matching vehicles) to create the child asset (to the purchase of leased vehicle). Hitchings et al. further discloses a first asset attribute being an asset depreciation history (via tax depreciation rules codes of relinquished assets), the child asset inheriting the asset depreciation history (for tax deduction purposes) from the parent asset, and a second asset attribute being depreciation (via depreciation of leasing vehicles to consumer on an accelerated basis), the asset depreciation history providing the depreciation between the parent asset and the child asset on a pro rated basis at the time of the split [0004 and 0005].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 11-16, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arditti et al. in view of Hitchings et al.

Arditti et al. discloses the elements of the claimed invention, but fails to explicitly disclose split component from various component of a parent asset to create a child asset.

Hitchings et al. discloses the concept of having a parent asset (via relinquished leased vehicles and acquired leased vehicles) including various components (for example various periods of time related to matching vehicles, minimum and maximum comparison tolerances on the values of relinquished and acquired vehicles and asset

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types of interest and overrides of parameters) and a child asset (purchase of leased vehicles), wherein at least one component is split from the various components of the parent asset (various periods of time related to matching vehicles) to create the child asset (to the purchase of leased vehicle). Hitchings et al. further discloses a first asset attribute being an asset depreciation history (via tax depreciation rules codes of relinquished assets), the child asset inheriting the asset depreciation history (for tax deduction purposes) from the parent asset, and a second asset attribute being depreciation (via depreciation of leasing vehicles to consumer on an accelerated basis), the asset depreciation history providing the depreciation between the parent asset and the child asset on a pro rated basis at the time of the split [0004 and 0005].

From this teaching of Hitchings et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the asset subsystem of Arditti et al. to include the split component taught by Hitchings et al. in order to obtain tax benefits.

As per having unattached asset unassociated with any of the lease. It is common and well known to have inventory surplus that are attached to any lease. Thus, it would have obvious to one of ordinary skill in the art at time the invention was made to have provided Arditti et al. with physical equipment that are of excess or being purchased, and the Examiner takes Official Notice as such.

Allowable Subject Matter

11. Claims 20-34 and 44 are allowed.

12. Claims 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record fails to teach a first subset of an operational rules set for an asset governing the processing of an asset attribute in combination with having a second subset of said operational rules set for a billing schedule governing the processing of said asset attributes associated to said assets associated to said billing schedule; and a third subset of said operational rules set for said lease governing the processing of said asset attributes associated to said assets associated to said lease; and wherein in case of a conflict between said operational rules said second subset supersedes said third subset and said first subset supersedes said second subset and said third subset.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bass et al., discloses a system for accessing data concerning an item of business property.

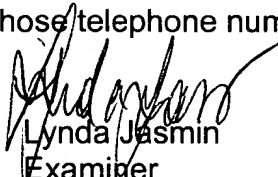
Bly et al., discloses managing databases of a plurality of assets.

Norton et al. discloses managing asset information including a procurement system for asset acquisition.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.


Lynda Jasmin
Examiner
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